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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,166	02/07/2001	Joseph John Melotik	200-0729	1742

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TROY, MI 48084

EXAMINER

GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/681,166

Applicant(s)  
Melotik et al.

Examiner  
Hilary Gutman

Art Unit  
3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 12, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14, 16-18, 20, and 21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14, 16-18, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 7, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Aug 12, 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

- ✓ 1. The proposed drawing correction and/or the proposed substitute sheets of drawings (Figure 12), filed on 8/12/2002 have been acknowledged and approved by the examiner.

However, some problems in the drawings still exist and are objected to below.

- ✓ 2. The drawings are objected to because in the newly proposed figure (Figure 12), reference number "26" which is disclosed as the "rails" in the specification is apparently pointing to the bottom of the drawer or load floor and should therefore be renumbered "36".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

- ✓ 3. The disclosure is objected to because of the following informalities: the specification does not include a "brief description" of newly added Figure 12. Appropriate correction is required.

### *Claim Objections*

4. Claims 1, 8, 14, 20, and 21 are objected to because of the following informalities: the independent claims all read "a striker and a latch connected to a rearward longitudinal end of said load floor" and generally a rear portion ("rear end" or "rear storage area") or the vehicle body.

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However, this phrase is awkward since it does not positively recite which component is connected to what other component. Furthermore the claims could be read that the latching mechanism comprises a striker; that a latch is connected to a rearward longitudinal end of the load floor; and that the rear portion (rear end, rear storage area) or body of the vehicle is adapted to latch the load floor in a closed position within the cargo area.

Specifically the following changes should perhaps be made for clarity:

In claim 1, line 9, "a striker and" should be deleted.

In claim 1, line 10, "a striker connected to" should be inserted after "and".

In claim 8, line 7, "a striker and" should be deleted.

In claim 8, line 8, "a striker connected to" should be inserted after "and".

In claim 14, line 11, "a striker and" should be deleted.

In claim 14, line 12, "a striker connected to" should be inserted before "the body".

In claim 20, line 15, "a striker and" should be deleted.

In claim 20, line 16, "a striker connected to" should be inserted after "and".

In claim 21, line 11, "a striker and" should be deleted.

In claim 21, line 12, "a striker connected to" should be inserted after "and".

Appropriate correction is required.

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*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 8-12, 14, 16-18, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Greig.

For claim 1, Greig discloses an integrated extendable load floor assembly for a vehicle having a rear end (Figures 1 and 2) with a floor F and sides (Figure 1) extending upwardly and along the floor to form a cargo area 11 and a decklid 13 for closing an upper portion of the cargo area, the integrated extendable load floor assembly comprising: a plurality of rails 20 "adapted" to be disposed upon the sides above the floor F of the rear end; a drawer or load floor 23 operatively cooperating with the rails for sliding movement therealong and to close a longitudinal end of the cargo area; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the rear end of the vehicle adapted to latch the load floor in a closed position within the cargo area.

The assembly also includes a pair of slides 30 disposed on opposed sides of the load floor and cooperating with the rails. The load floor 23 comprises a bottom 24 and sides 25 extending generally perpendicular to the bottom to form a compartment for holding objects. The assembly also includes an endgate 26 pivotally attached to a rear longitudinal end of the load floor having

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an upright closed position and a horizontal open position. A latching mechanism 28, 29 to latch the endgate to the load floor in the upright closed position is also provided.

For claim 8, Greig discloses an integrated extendable load floor assembly for a vehicle having a rear storage area 11 with a longitudinal open end comprising: at least one rail 20 “adapted” to be disposed upon the a side of the rear storage area; a drawer or load floor 23 cooperating with the at least one rail allowing for a selective sliding movement in and out of the rear storage area of the vehicle and to close the longitudinal open end of the rear storage area; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the rear storage area 11 of the vehicle adapted to latch the load floor in a closed position within the rear storage area, the load floor latching mechanism including a movable handle 44 disposed on the load floor.

The assembly also includes at least one slide 30 disposed on sides of the load floor and cooperating with a portion of the at least one rail. A rear panel 26 that is cooperatively attached to a bottom of a rear edge of the load floor allowing selective positioning of the rear panel in an upright closed position and a lower horizontal open position. A rear panel latching mechanism, generally 28, 29, is provided that latches the rear panel in the upright closed position.

For claim 14, Greig discloses a vehicle comprising: a body 10 including a rear end having a floor F and sides (Figures 1-2) extending upwardly and along the floor to form a rear storage area 11 having a longitudinal open end; a decklid 13 pivotally secured to the rear end to cover the rear storage area in a closed position and to allow access to the rear storage area in an open

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position; and an integrated extendable load floor assembly cooperating with the rear storage area, the integrated extendable load floor assembly including at least one rail 20 disposed upon each of the sides of the rear storage area and a drawer or load floor 23 cooperating with the at least one rail, the load floor having selective sliding movement in and out of the rear storage area of the vehicle and to close the open end of the rear storage area and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the body of the vehicle adapted to latch the load floor in a closed position within the rear storage area.

For claim 20, Greig discloses an automotive vehicle comprising: a body 10 including a rear end having a floor F and sides (Figures 1-2) extending upwardly and along the floor F to form a cargo area 11; a plurality of rails 20 spaced laterally and extending longitudinally between the sides above the floor; a drawer or load floor 23 operatively cooperating with the rails for sliding movement therealong; and a decklid 13 pivotally secured to the sides to cover the cargo area in a closed position and to allow access to the cargo area in an open position and to allow the load floor to be extended when the decklid is in the open position; an endgate 26 pivotally connected to the load floor and having a closed upright position and an open horizontal position; an endgate latching mechanism 28, 29 that latches the endgate in the upright closed position; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor, and the body of the vehicle adapted to latch the load floor in a closed position within the rear storage area 11.

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For claim 21, Greig discloses a sedan type automotive vehicle comprising: a body 10 including a rear end having a floor F and sides (Figures 1-2) extending upwardly and along the floor to form a cargo area; a drawer or load floor 23 for sliding movement in and out of the cargo area; an endgate 26 pivotally connected to the load floor and having a closed upright position and an open horizontal position; a decklid 13 pivotally secured to the sides and cooperating with the endgate to cover the cargo area in a closed position and to allow access to the cargo area in an open position and to allow objects to be removed from the cargo area when the decklid is in the open position; and a load floor latching mechanism comprising a striker 46 and a latch 28 connected to a rearward longitudinal end of the load floor (Figures 4-6), and the body 10 of the vehicle adapted to latch the load floor in a closed position within the cargo area 11.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greig as applied to claim 1 above, and further in view of the well known prior art.

Greig lacks the load floor including an inner panel pivotally attached thereto to pivot between a closed position and an open position relative to a bottom thereof.

The well known prior art teaches rear cargo areas in vehicles wherein an inner panel is provided and pivotally attached to a bottom or a floor of the vehicle to pivot between a closed position, covering a storage cavity, and an open position relative to the bottom thereof. Specifically, Riley teaches an endgate 20 having an inner panel 40 pivotally attached thereof to pivot between a closed position (Figures 1, 3, and 4) and an open position (Figure 5) relative to a bottom, generally 26, thereof. Furthermore, Spykerman et al. teach an easily accessible storage compartment, provided at a rear end of a vehicle wherein a cavity is created in the "floor" of the vehicle and an inner panel covers the cavity (Figures 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have taught providing a cavity and inner storage compartment as taught by the well known prior art upon the load floor of Greig in order to provide the vehicle with an easily accessible storage compartment.

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*Response to Arguments*

9. Applicant's arguments with respect to claims 1-5, 7-12, 14, 16-18, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

*Allowable Subject Matter*

10. The indicated allowability of claims 1-5, 7-12, 14, 16-18, and 20-21 is withdrawn in view of the newly discovered reference(s) to Greig. Rejections based on the newly cited reference(s) are stated above.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other load floor assemblies similar to that of the current invention.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

14. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents

Washington, D.C. 20231

**or faxed to:**


(703)305-3597, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**or:**

(703)305-0285, (for informal or draft communications, please clearly label  
"PROPOSED" or "DRAFT").

hlg

September 6, 2002

  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600